

1 HONORABLE BENJAMIN H. SETTLE
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7 UNITED STATES DISTRICT COURT
8 FOR THE WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 "AMY", "VICKY" and "ALICE",
11

Plaintiffs,

12 v.
13

DOUGLAS LANE PROBSTFELD,

14 Defendant.
15

16 NO. 3:15-CV-05434-BHS
17

18 DECLARATION OF ROBERT Y.
19 LEWIS IN SUPPORT OF
20 MOTION TO PROCEED WITH
21 PSEUDONYMS

22 NOTE ON MOTION CALENDAR:
23 OCTOBER 16, 2015
24

25 I, ROBERT Y. LEWIS, hereby declare under penalty of perjury that the following
is true and correct:

I represent the Plaintiff "Amy" in this action (Amy).

I make this Declaration in support of Amy's motion to proceed via
pseudonym herein.

I have good reason to believe and do believe that, as explained below
that: (i) the Defendant is indebted to Amy pursuant to 18 U.S.C. §§ 2225(a) and

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26 DECLARATION OF ROBERT Y. LEWIS IN
27 SUPPORT OF MOTION TO PROCEED
28 WITH PSEUDONYMS - 1

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1 2255(A)(f) which provide statutory compensation to a plaintiff who is a victim of a
2 defendant's transportation and possession of child pornography, with respect to
3 Section 2255 in an amount not less than \$150,000.00 over and above all proper
4 credits and offsets and, (ii) that Amy will suffer substantial harm should her request to
5 proceed via pseudonym be denied. Further, Amy has received notice from the
6 Department of Justice that she is a victim of Defendant Probstfeld's criminal offense
7 and the District Court included restitution for Amy as a part of Defendant's sentence in
8 the criminal matter.

9

10 **THE BASIS FOR THE DECLARATION**

11 In making this Declaration and coming to the above stated belief, I have relied
12 on my personal knowledge of the following documents:

13

14 (i) Amy's Victim Impact Statement, attached hereto as Exhibit 1 (Ex.1);
15 (ii) Psychiatric Evaluation of Amy by Joyanna L. Silberg (Silberg Report),
16 dated November 21, 2008, attached hereto as Exhibit 2 (Ex. 2); and
17 (iii) Smith Economics Group, Ltd. Report determination of Amy's economic
18 and value of life damages (SEG Report), dated September 15, 2008,
19 attached hereto as Exhibit 3 (Ex. 3);

20

21 As Amy explained in her Victim Impact Statement, when she was four
22 years old, she was raped and sexually exploited in order to produce child sex
23 abuse images for consumers and collectors of child pornography, attached
24 hereto as (Ex. 1. p.1);

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DECLARATION OF ROBERT Y. LEWIS IN
SUPPORT OF MOTION TO PROCEED
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The primary reason Amy was raped and forced to endure cunnilingus, fellatio and digital penetration was to provide child pornography for an end user-collector whose demand for child sex abuse images directly led to her physical and psychological abuse and exploitation.

As Amy explained in her victim impact statement:

I want it all erased. I want it all stopped. But I am powerless to stop it just like I was powerless to stop [the abuse]. The truth is, I am being exploited and used every day and every night somewhere in the world by someone. How can I ever get over this when the crime that is happening to me will never end? How can I get over this when the shameful abuse I suffered is out there forever and being enjoyed by sick people?

Ex. 1, p.1 & p.3).

As Dr. Silberg explained in the Silberg Report, a true and correct copy submitted at Ex. 2)

[A]t the age of 17, Amy was informed through legal notifications about the widespread presence of her picture on the internet, illustrating to her that in some ways the sexual abuse of her has never really ended. This knowledge further exacerbated her symptoms, interfered with her ability to overcome the increasing symptoms of post traumatic stress, and impeded her ability to move on with her life.

[T]here has been a resurgence of the trauma with her ongoing realization that her image is being traded on the internet. Specifically, Amy mentions fear of discovery, shame, fears of the traumatization of others, and renewed self-blame about her participation.

Ex. 2, p.3 & p.4); see also Ex. 2, p.10 ("The ongoing awareness that the pictures are out there interferes significantly with the therapeutic resolution of

1 these problems, as she lives in an enduring state of feeling that she can never
2 really escape or get away from he abuse.")

3 As Amy explained in her Victim Impact Statement, "Every day of my life I
4 live in constant fear that someone will see my pictures and recognize me and
5 that I will be humiliated again. It hurts me to know someone is looking at them -
6 at me - when I was just a little girl being abused for the camera." (Ex. 1, p.1).

7 After evaluating Amy and reviewing relevant records, Dr. Silberg drew
8 the following conclusions to a reasonable degree of psychological certainty:

9
10 The sexual assault perpetrated against Amy, and its continued
11 memorialization in pictures which continue to be traded and used
affect her in a variety of ways, and has long lasting and life
changing impact on her.

12
13 Specifically, she has experienced significant effects in the following
14 areas: Mood regulation, cognitive distortions, feelings of shame,
15 self-blame, and guilt, self-esteem, alcohol abuse, dissociation,
16 academic progress, interpersonal relationships, and vocational
17 success. In addition, despite some resolution of Amy's post-
traumatic symptoms when she was younger, Amy continues to
have the hallmark feature of posttraumatic stress disorder which
includes intrusive images, attempts at avoidance and denial, and
hyper arousal.

18
19 These posttraumatic symptoms and effects of sexual abuse are
20 more resistant to treatment than those that would normally follow a
21 time limited trauma, as her awareness of the continued existence of
22 the picture and their criminal use in a widespread way leads to an
activation in these symptoms. She is flooded with memories of
23 what happened to her, since she knows at any moment others
24 might see these. She tries to avoid this knowledge with unhealthy
25 coping strategies ...and she is overwhelmed with feelings of
shame, self-blame and guilt. Planning for the future becomes
difficult as planning involves thinking and processing her fears of
the reality of these images, that she does not want to face or re-
experience. Difficulty with planning and the presence of

dissociation has led to her inability to follow through with educational and vocational plans. Furthermore Amy has ongoing problems with trust in relationships which has interfered with working with authorities in jobs and interpersonal relationships.

(Ex 2, p.8).

Also submitted at Exhibit 3 is a true and correct copy of the SEG Report. That report calculated that to age 67 Amy's discounted, present value, net economic losses included (i) earning of \$2,855,173 (assuming work to age 67); and, (ii) costs of counseling of \$512,681. (Ex. 3, p.11).

In addition, the SEG Report found that Amy will suffer \$8.8 million in diminished value and enjoyment of life. (*Id.*)

DATED this 28th day of September, 2015, at New York, New York.

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Of Attorneys for Plaintiff Amy

DECLARATION OF ROBERT Y. LEWIS IN
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